

BILL NO. 93-23

AS AMENDED

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 93-23 as amended

Introduced by Council President Wilson at the request of the County Executive
Legislative Day No. 93-10 Date April 6, 1993

AN ACT to repeal and reenact with amendments Section 267-104,
Adequate Public Facilities, of Article XXI, Public
Facilities, of Part 6, Growth Management, of Chapter 267,
Zoning, of the Harford County Code, as amended, to
provide for the regulation of developments to ensure the
adequacy of Water and Sewer facilities.

By the Council, April 6, 1993

Introduced, read first time, ordered posted and public hearing scheduled

on: May 4, 1993

at: 6:30 P. M.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of
Bill having been published according to the Charter, a public hearing was
held on May 4, 1993, and concluded on, May 18, 1993

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING
LAW. [Brackets] indicate matter deleted
from existing law. Underlining indicates
language added to Bill by amendment.
Language lined through indicates matter
stricken out of Bill by amendment.

BILL NO. 93-23
AS AMENDED

1 Section 1. Be It Enacted By The County Council of Harford County, Maryland that
2 Section 267-104, Adequate public facilities, of Article XXI, Public Facilities,
3 of Part 6, Growth Management, of Chapter 267, Zoning, of the Harford County Code,
4 as amended, be repealed and re-enacted, with amendments, all to read as follows:
5 Chapter 267. Zoning.

6 Part 6. Growth Management.

7 Article XXI. Public Facilities.

8 § 267-104. Adequate public facilities.

9 A. Annual growth report

10 (1) The Department of Planning and Zoning shall prepare an annual growth
11 report describing growth and facility capacity in accordance with
12 Paragraphs (2) and (3) of this subsection. The annual growth report
13 shall be submitted by the Director of Planning to the County Council
14 by June 1 and shall become effective July 1.

15 (2) Growth trends -- The annual growth report shall describe the growth
16 that has occurred in the preceding year. The information in the
17 report shall be aggregated by the appropriate facility service areas,
18 and the report shall include, but need not be limited to, the
19 following information:

- 20 (a) Number of building permits approved for new dwelling units, by
21 type;
22 (b) The number of building permits approved for nonresidential uses,
23 by type and total floor area;
24 (c) Estimated population, households, and employment;
25 (d) Comparisons with the same information for the previous five
26 years;
27 (e) Comparison with the same information for the Baltimore region
28 and other political subdivisions; and
29 (f) Population, household, and employment projections for 5- and 10-

1 year periods.

- 2 (3) Specific facility analysis -- The annual report shall include an
3 analysis of the current and future utilization and capacity of
4 specific public facilities and services. The analysis shall include,
5 but need not be limited to, the following information:

6 (a) Schools

- 7 1. Full-time enrollment for each school district; as of
8 September 30, or as of any other official reporting date as
9 set by the State Board of Education.
- 10 2. Rated capacity and utilization percentage of each school
11 facility, with capacity based on a standard of 25 students
12 per classroom for regular classes and 10 students per
13 classroom for special education classes, exclusive of
14 relocatable or portable classrooms.
- 15 3. One-year, 2-year, and 3-year enrollment projections for each
16 facility, including a description of the method of
17 projecting enrollment in each facility;
- 18 4. Pupil yield factor by school level for each type of dwelling
19 unit;
- 20 5. List of approved capital projects for new or expanded school
21 facilities and the identified schools that will be relieved,
22 including projects enrollment and opening date; and
- 23 6. School districts map for each level of school facilities.

24 (B) SEWERAGE

- 25 1. SEWAGE GENERATION (IN GALLONS PER DAY) FOR EACH TYPE OF
26 DWELLING UNIT AND COMMERCIAL/INDUSTRIAL USE (AVERAGE);
- 27 2. INVENTORY/TABULATION OF EXISTING FLOWS, INCLUDING ALL
28 ALLOCATIONS TO THE SYSTEM, AND THE TOTAL SYSTEM CAPACITY;
- 29 3. SEWAGE GENERATION PROJECTIONS FOR THE SYSTEM, INCLUDING THE
30 BASIS FOR THEIR COMPUTATION; AND
- 31 4. A LIST OF CAPITAL PROJECTS, CONTAINED IN THE CAPITAL
32 IMPROVEMENTS PROGRAM, FOR EXPANDED SEWERAGE FACILITIES,

1 INCLUDING PROJECT STATUS.

2 (C) WATER

- 3 1. WATER USAGE (IN GALLONS PER DAY) FOR EACH TYPE OF DWELLING
4 UNIT AND COMMERCIAL AND INDUSTRIAL USE (AVERAGE);
5 2. INVENTORY/TABULATION OF EXISTING WATER CONSUMPTION,
6 INCLUDING ALL ALLOCATIONS TO THE SYSTEM, AND THE TOTAL
7 SYSTEM CAPACITY;
8 3. WATER USAGE/DEMAND PROJECTIONS FOR THE SYSTEM, INCLUDING THE
9 BASIS FOR THEIR COMPUTATION; AND
10 4. A LIST OF CAPITAL PROJECTS, CONTAINED IN THE CAPITAL
11 IMPROVEMENTS PROGRAM, FOR EXPANDED WATER FACILITIES,
12 INCLUDING PROJECT STATUS.

- 13 (4) Amendments -- The Director of Planning may amend the annual growth
14 report to correct factual errors or to include significant changes
15 in facility capacity. Such amendments shall be presented to the
16 County Council within 210 calendar days of the effective date of the
17 report.

18 B. Adequacy standards (minimum acceptable level of service)

- 19 (1) Residential development -- Approval of residential subdivision plans
20 and site plans for multi-family development shall be subject to
21 findings of adequate capacity based on the standards set in this
22 subsection, and the current and projected use level described in the
23 annual growth report:

24 (a) Schools

- 25 1. Preliminary approval -- Preliminary subdivision plans
26 exceeding five (5) lots and site plans for multi-family
27 residential developments exceeding five dwelling units shall
28 not be approved at locations where either of the following
29 conditions exists:
30 a. The enrollment at the elementary school which serves the
31 site is greater than 120% of the rated capacity, or is
32 projected to be greater than 120% within two years; or

1 b. The enrollment of either the middle school or high
2 school which serves the site is greater than 120% of the
3 rated capacity or is projected to be greater than 120%
4 within three years.

5 2. Conditional review -- If paragraphs (1)(a)1.a. or b. of this
6 subsection prevent approval of a preliminary subdivision
7 plan or a site plan, the Department of Planning and Zoning
8 may proceed with conditional review of the plan and place it
9 on a waiting list arranged by date of completion of the
10 review. Record plats, grading permits, and public works
11 agreements for utilities or roads shall not be executed by
12 the county until the plan for the project is removed from
13 the waiting list and preliminary approval is granted.
14 Removal from the waiting list shall occur only when the
15 condition that prevented approval under Paragraphs
16 (1)(a)1.a. or b. of this subsection no longer exists.

17 3. Exemptions -- The provisions of this subsection shall not
18 apply to transient housing or housing for the elderly.

19 4. GRANDFATHERING -- THE PROVISIONS OF THIS SECTION CONCERNING
20 THE ADEQUACY OF SCHOOLS SHALL NOT APPLY TO THOSE
21 DEVELOPMENTS WHICH, AS OF THE EFFECTIVE DATE OF BILL NO. 91-
22 70 (4/6/92), HAVE AN APPROVED PRELIMINARY PLAN.

23 (B) SEWERAGE

24 1. THE COUNTY SEWERAGE SYSTEM SHALL BE CONSIDERED ADEQUATE IF,
25 TAKING INTO CONSIDERATION DEMANDS ON THE SYSTEM GENERATED OR
26 PROJECTED TO BE GENERATED BY EXISTING CONNECTIONS, BUILDINGS
27 UNDER CONSTRUCTION THAT WILL BE CONNECTED TO THE SYSTEM, ALL
28 COMMITTED ALLOCATIONS EVIDENCED BY PAYMENT OF AREA CHARGES
29 AND CONNECTION FEES, ALL UNEXPIRED PUBLIC WORKS UTILITY
30 AGREEMENTS, ALL PRELIMINARY PLANS APPROVED AFTER THE
31 EFFECTIVE DATE OF THIS SUBSECTION, AND PROPERTIES USING
32 INDIVIDUAL SEWERAGE SYSTEMS THAT ARE ANTICIPATED TO CONNECT

TO THE SYSTEM ON COMPLETION OF A CAPITAL PROJECT THEN UNDER
CONSTRUCTION OR FOR WHICH FUNDING HAS BEEN AUTHORIZED,
RIGHT-OF-WAY ACQUISITION COMPLETED AND CONSTRUCTION PLANS
COMPLETED:

A. COLLECTOR SYSTEM TO SERVE THE PROPOSED DEVELOPMENT ARE
DESIGNED TO ACCOMMODATE EXPECTED ULTIMATE PEAK GRAVITY
FLOWS FROM THE DEVELOPMENT AND OTHER DEVELOPABLE LAND
WITHIN THE DRAINAGE AREA;

B. INTERCEPTORS TO SERVE THE PROPOSED DEVELOPMENT HAVE
SUFFICIENT AVAILABLE CAPACITY TO ACCOMMODATE EXPECTED
PEAK GRAVITY FLOWS FROM THE SUBDIVISION;

C. PUMPING STATIONS AND FORCE MAINS, RECEIVING FLOWS FROM
THE COLLECTOR SYSTEM IN THE DRAINAGE/SERVICE AREA, HAVE
SUFFICIENT AVAILABLE CAPACITY TO ACCOMMODATE ULTIMATE
PEAK FLOWS FROM THE PROPOSED DEVELOPMENT AND OTHER
DEVELOPABLE LAND WITHIN THE DRAINAGE AREA;

D. PUMPING STATIONS AND FORCE MAINS, RECEIVING FLOWS FROM
INTERCEPTORS TO SERVE THE PROPOSED DEVELOPMENT, HAVE
SUFFICIENT AVAILABLE CAPACITY TO ACCOMMODATE EXPECTED
PEAK FLOW FROM THE PROPOSED DEVELOPMENT; AND

E. TREATMENT PLANT(S) HAVE SUFFICIENT AVAILABLE CAPACITY TO
ACCOMMODATE EXPECTED ANNUAL AVERAGE AND MAXIMUM DAILY
LOADINGS FROM THE PROPOSED DEVELOPMENT.

2. THE COUNTY SEWERAGE SYSTEM SHALL ALSO BE CONSIDERED ADEQUATE
IF THERE IS COMPLIANCE WITH 1.A. AND 1.C. OF THIS SUBSECTION
AND THE COUNTY HAS FUNDED PROJECTS FOR THE IMPROVEMENT OF
THE FACILITIES NECESSARY TO COMPLY WITH REQUIREMENTS OF
1.B., D., AND E. OF THIS SUBSECTION.

3. THE COUNTY SEWERAGE SYSTEM SHALL ALSO BE CONSIDERED ADEQUATE
IF THERE IS COMPLIANCE WITH 1.E. 2OF THIS SUBSECTION AND THE
DEVELOPER AGREES TO CONSTRUCT THE IMPROVEMENTS TO THE SYSTEM
TO MEET THE REQUIREMENTS OF 1.A., B., C. & D. OF THIS

1 SUBSECTION, OR THE DEVELOPER EXECUTES AN AGREEMENT WITH THE
2 COUNTY FOR IMPROVEMENTS TO THE SYSTEM TO MEET THE REQUIRE-
3 MENTS OF 1.A, B., C. AND D. OF THIS SUBSECTION.

4 4. IF THE COUNTY SEWERAGE SYSTEM IS FOUND TO BE INADEQUATE,
5 THEN PRELIMINARY SUBDIVISION PLANS EXCEEDING FIVE LOTS, AND
6 SITE PLANS FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS
7 EXCEEDING FIVE DWELLING UNITS, AND EXTENSIONS OF PREVIOUSLY
8 APPROVED PRELIMINARY SUBDIVISION PLANS SHALL NOT BE
9 APPROVED.

10 5. CONDITIONAL REVIEW -- IF PARAGRAPHS 1.A., B., C., D. OR E.
11 OF THIS SUBSECTION PREVENTS APPROVAL OR THE EXTENSION OF A
12 PREVIOUS APPROVAL OF A PRELIMINARY SUBDIVISION PLAN OR SITE
13 PLAN, THE DEPARTMENT OF PLANNING AND ZONING MAY PROCEED WITH
14 CONDITIONAL REVIEW OF THE PLAN AND PLACE IT ON A WAITING
15 LIST ARRANGED BY DATE OF COMPLETION OF THE REVIEW AND, FOR
16 PREVIOUSLY APPROVED PLANS, BY DATE OF THE REQUEST FOR
17 EXTENSION. RECORD PLATS, GRADING PERMITS AND PUBLIC WORKS
18 AGREEMENTS FOR UTILITIES OR ROADS SHALL NOT BE EXECUTED BY
19 THE COUNTY UNTIL THE PLAN FOR THE PROJECT IS REMOVED FROM
20 THE WAITING LIST AND PRELIMINARY APPROVAL OR EXTENSION OF
21 THE PREVIOUS APPROVAL IS GRANTED. REMOVAL FROM THE WAITING
22 LIST SHALL OCCUR ONLY WHEN THE CONDITION THAT PREVENTED
23 APPROVAL UNDER PARAGRAPHS 1.A., B., C., D. OR E. OF THIS
24 SUBSECTION NO LONGER EXISTS.

25 6. GRANDFATHERING -- ~~THE PROVISIONS OF THIS SUBSECTION~~
26 ~~CONCERNING THE ADEQUACY OF THE SEWERAGE SYSTEM SHALL NOT~~
27 ~~APPLY TO THOSE DEVELOPMENTS, WHICH, AS OF THE EFFECTIVE DATE~~
28 ~~OF THIS ACT, HAVE AN APPROVED PRELIMINARY PLAN OR SITE PLAN,~~
29 ~~EXCEPT THAT~~ UNLESS AN EXTENSION OF THE APPROVAL OF THE PLAN
30 IS GRANTED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS,
31 DEVELOPMENT CONDUCTED IN ACCORDANCE WITH A PRELIMINARY PLAN
32 APPROVED BEFORE THE EFFECTIVE DATE OF COUNCIL BILL 93-26 IS

EXEMPT FROM THE PROVISIONS OF THIS SUBSECTION CONCERNING THE ADEQUACY OF THE SEWERAGE SYSTEM. IF AN EXTENSION OF THE APPROVAL OF THE PLAN IS GRANTED, THE DEVELOPMENT IS SUBJECT TO THE PROVISIONS OF THIS SUBSECTION CONCERNING THE ADEQUACY OF THE SEWERAGE SYSTEM. IF DEVELOPMENT IS EXEMPT FROM THE PROVISIONS OF THIS SUBSECTION CONCERNING THE ADEQUACY OF THE SEWERAGE SYSTEM, EXECUTION OF PUBLIC WORKS UTILITY AGREEMENT AGREEMENTS FOR SUCH DEVELOPMENT IS SUBJECT TO AVAILABILITY OF CAPACITY IN THE SEWERAGE SYSTEM AT THE TIME OF APPLICATION FOR THE PUBLIC WORKS UTILITY AGREEMENTS.

(C) WATER

1. THE COUNTY WATER SYSTEM OR COMMUNITY WATER SYSTEM SHALL BE CONSIDERED ADEQUATE IF, TAKING INTO CONSIDERATION DEMANDS ON THE SYSTEM GENERATED OR PROJECTED TO BE GENERATED BY EXISTING CONNECTIONS, BUILDING UNDER CONSTRUCTION THAT WILL BE CONNECTED TO THE SYSTEM, ALL COMMITTED ALLOCATIONS EVIDENCED BY PAYMENT OF AREA CHARGES AND CONNECTION FEES, ALL UNEXPIRED PUBLIC WORKS UTILITY AGREEMENTS, ALL PRELIMINARY PLANS APPROVED AFTER THE EFFECTIVE DATE OF THIS SUBSECTION, AND PROPERTIES USING INDIVIDUAL WATER SUPPLY SYSTEM THAT ARE ANTICIPATED TO CONNECT TO THE SYSTEM ON COMPLETION OF A CAPITAL PROJECT THEN UNDER CONSTRUCTION OR FOR WHICH FUNDING HAS BEEN AUTHORIZED, RIGHT-OF-WAY ACQUISITION COMPLETED AND CONSTRUCTION PLANS COMPLETED:

A. THE DISTRIBUTION SYSTEM IS CAPABLE OF PROVIDING THE REQUIRED PRESSURES AND FLOWS DURING THE MAXIMUM DAY DEMAND TO THE PROPOSED DEVELOPMENT AND THE MINIMUM REQUIRED PRESSURES FOR FIRE FLOWS, AS ESTABLISHED IN THE COUNTY'S WATER AND SEWER DESIGN GUIDELINES AND PLUMBING CODE;

B. BOOSTER STATIONS AND/OR TRANSMISSION MAINS IN THE SERVICE AREA HAVE SUFFICIENT AVAILABLE CAPACITY TO

1 PROVIDE MAXIMUM DAY DEMAND AND MINIMUM REQUIRED PRESSURE
2 FOR FIRE FLOW TO THE PROPOSED DEVELOPMENT;

3 C. STORAGE TANKS IN THE SERVICE AREA HAVE SUFFICIENT
4 AVAILABLE CAPACITY TO PROVIDE PEAK HOUR DEMAND IN
5 ADDITION TO FIRE FLOW TO THE PROPOSED DEVELOPMENT;

6 D. SOURCE AND TREATMENT FACILITIES IN THE SERVICE AREA HAVE
7 SUFFICIENT AVAILABLE CAPACITY TO PROVIDE MAXIMUM DAY
8 DEMAND TO THE PROPOSED DEVELOPMENT.

9 2. THE COUNTY WATER SYSTEM OR COMMUNITY WATER SYSTEM SHALL ALSO
10 BE CONSIDERED ADEQUATE IF THE COUNTY OR THE OPERATING ENTITY
11 HAS FUNDED PROJECTS FOR THE IMPROVEMENT OF THE FACILITIES
12 NECESSARY TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPHS
13 1.A., B., C. AND D. OF THIS SUBSECTION.

14 3. THE COUNTY WATER SYSTEM OR COMMUNITY WATER SYSTEM SHALL ALSO
15 BE CONSIDERED ADEQUATE IF THERE IS COMPLIANCE WITH 1.C. AND
16 D. OF THIS SUBSECTION AND THE DEVELOPER AGREES TO CONSTRUCT
17 THE IMPROVEMENTS TO THE SYSTEM TO MEET THE REQUIREMENTS OF
18 1.A., B., C. & D. OF THIS SUBSECTION, OR THE DEVELOPER
19 EXECUTES AN AGREEMENT WITH THE COUNTY OR THE OPERATING
20 ENTITY FOR IMPROVEMENTS TO THE SYSTEM TO MEET THE
21 REQUIREMENTS OF 1.A. AND B. OF THIS SUBSECTION.

22 4. IF THE WATER SYSTEM SERVING THE PROPOSED DEVELOPMENT IS
23 FOUND TO BE INADEQUATE, THEN PRELIMINARY SUBDIVISION PLANS
24 EXCEEDING FIVE (5) LOTS, AND SITE PLANS FOR MULTI-FAMILY
25 RESIDENTIAL DEVELOPMENTS EXCEEDING FIVE DWELLING UNITS
26 UNITS, AND EXTENSIONS OF PREVIOUSLY APPROVED PRELIMINARY
27 SUBDIVISION PLANS SHALL NOT BE APPROVED.

28 5. CONDITIONAL REVIEW -- IF PARAGRAPH 1.A., B., C. OR D. OF
29 THIS SUBSECTION PREVENTS APPROVAL OR THE EXTENSION OF A
30 PREVIOUS APPROVAL OF A PRELIMINARY PLAN OR SITE PLAN, THE
31 DEPARTMENT OF PLANNING AND ZONING MAY PROCEED WITH
32 CONDITIONAL REVIEW OF THE PLAN AND PLACE IT ON A WAITING

1 LIST ARRANGED BY DATE OF COMPLETION OF THE REVIEW AND, FOR
2 PREVIOUSLY APPROVED PLANS, BY DATE OF THE REQUEST FOR
3 EXTENSION. RECORD PLATS, GRADING PERMITS AND PUBLIC WORKS
4 AGREEMENTS FOR UTILITIES OR ROADS SHALL NOT BE EXECUTED BY
5 THE COUNTY UNTIL THE PLAN FOR THE PROJECT IS REMOVED FROM
6 THE WAITING LIST AND PRELIMINARY APPROVAL OR EXTENSION OF
7 THE PREVIOUS APPROVAL IS GRANTED. REMOVAL FROM THE WAITING
8 LIST SHALL OCCUR ONLY WHEN THE CONDITION THAT PREVENTED
9 APPROVAL UNDER PARAGRAPHS 1.A., B., C. OR D. OF THIS
10 SUBSECTION NO LONGER EXISTS.

11 6. GRANDFATHERING -- ~~THE PROVISIONS OF THIS SUBSECTION~~
12 ~~CONCERNING THE ADEQUACY OF THE WATER SYSTEM SHALL NOT APPLY~~
13 ~~TO THOSE DEVELOPMENTS, WHICH, AS OF EFFECTIVE DATE OF THIS~~
14 ~~ACT HAVE AN APPROVED PRELIMINARY PLAN OR SITE PLAN; EXCEPT~~
15 ~~THAT~~ UNLESS AN EXTENSION OF THE APPROVAL OF THE PLAN IS
16 GRANTED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS,
17 DEVELOPMENT CONDUCTED IN ACCORDANCE WITH A PRELIMINARY PLAN
18 APPROVED BEFORE THE EFFECTIVE DATE OF COUNCIL BILL 93-26 IS
19 EXEMPT FROM THE PROVISIONS OF THIS SUBSECTION CONCERNING THE
20 ADEQUACY OF THE WATER SYSTEM. IF AN EXTENSION OF THE
21 APPROVAL OF THE PLAN IS GRANTED, THE DEVELOPMENT IS SUBJECT
22 TO THE PROVISIONS OF THIS SUBSECTION CONCERNING THE ADEQUACY
23 OF THE WATER SYSTEM. IF DEVELOPMENT IS EXEMPT FROM THE
24 PROVISIONS OF THIS SUBSECTION CONCERNING THE ADEQUACY OF THE
25 WATER SYSTEM, EXECUTION OF PUBLIC WORKS UTILITY AGREEMENTS
26 FOR SUCH DEVELOPMENTS DEVELOPMENT IS SUBJECT TO AVAILABILITY
27 OF CAPACITY IN THE WATER SYSTEM AT THE TIME OF APPLICATION
28 FOR THE PUBLIC WORKS UTILITY ~~AGREEMENT~~ AGREEMENTS.

29 (2) NON-RESIDENTIAL DEVELOPMENT -- APPROVAL OF NON-RESIDENTIAL
30 DEVELOPMENT AND SITE PLANS SHALL BE SUBJECT TO FINDINGS OF ADEQUATE
31 CAPACITY BASED ON THE STANDARDS SET IN THIS SUBSECTION, AND THE
32 CURRENT AND PROJECTED USE LEVELS DESCRIBED IN THE ANNUAL GROWTH

1 REPORT:

2 (A) SEWERAGE

3 1. THE COUNTY SEWERAGE SYSTEM SHALL BE CONSIDERED ADEQUATE IF,
4 TAKING INTO CONSIDERATION DEMANDS ON THE SYSTEM GENERATED OR
5 PROJECTED TO BE GENERATED BY EXISTING CONNECTIONS, BUILDINGS
6 UNDER CONSTRUCTION THAT WILL BE CONNECTED TO THE SYSTEM, ALL
7 COMMITTED ALLOCATIONS EVIDENCED BY PAYMENT OF AREA CHARGES
8 AND CONNECTION FEES, ALL UNEXPIRED PUBLIC WORKS UTILITY
9 AGREEMENTS, ALL PRELIMINARY PLANS APPROVED AFTER THE
10 EFFECTIVE DATE OF THIS SUBSECTION, AND PROPERTIES USING
11 INDIVIDUAL SEWERAGE SYSTEM THAT ARE ANTICIPATED TO CONNECT
12 TO THE SYSTEM ON COMPLETION OF A CAPITAL PROJECT THEN UNDER
13 CONSTRUCTION OR FOR WHICH FUNDING HAS BEEN AUTHORIZED,
14 RIGHT-OF-WAY ACQUISITION COMPLETED AND CONSTRUCTION PLANS
15 COMPLETED:

16 A. COLLECTORS SYSTEM TO SERVE THE PROPOSED DEVELOPMENT IS
17 DESIGNED TO ACCOMMODATE EXPECTED ULTIMATE PEAK GRAVITY
18 FLOWS FROM THE DEVELOPMENT AND OTHER DEVELOPABLE LAND
19 WITHIN THE DRAINAGE AREA;

20 B. INTERCEPTORS TO SERVE THE PROPOSED DEVELOPMENT HAVE
21 SUFFICIENT AVAILABLE CAPACITY TO ACCOMMODATE EXPECTED
22 PEAK GRAVITY FLOWS FROM THE DEVELOPMENT;

23 C. PUMPING STATIONS AND FORCE MAINS, RECEIVING FLOWS FROM
24 THE COLLECTOR SYSTEM IN THE DRAINAGE/SERVICE AREA HAVE
25 SUFFICIENT AVAILABLE CAPACITY TO ACCOMMODATE ULTIMATE
26 PEAK FLOWS FROM THE PROPOSED DEVELOPMENT AND OTHER
27 DEVELOPABLE LAND WITHIN THE DRAINAGE AREA;

28 D. PUMPING STATIONS AND FORCE MAINS, RECEIVING FLOWS FROM
29 INTERCEPTORS TO SERVE THE PROPOSED DEVELOPMENT, HAVE
30 SUFFICIENT AVAILABLE CAPACITY TO ACCOMMODATE EXPECTED
31 PEAK FLOW FROM THE PROPOSED DEVELOPMENT; AND

32 E. TREATMENT PLANT(S) HAVE SUFFICIENT AVAILABLE CAPACITY TO

1 ACCOMMODATE EXPECTED ANNUAL AVERAGE AND MAXIMUM DAILY
2 LOADINGS FROM THE PROPOSED DEVELOPMENT.

3 2. THE COUNTY SEWERAGE SYSTEM SHALL ALSO BE CONSIDERED ADEQUATE
4 IF THERE IS COMPLIANCE WITH 1.A. AND C. OF THIS SUBSECTION
5 AND THE COUNTY HAS FUNDED PROJECTS FOR THE IMPROVEMENT OF
6 THE FACILITIES NECESSARY TO COMPLY WITH REQUIREMENTS OF
7 1.B., D., AND E. OF THIS SUBSECTION.

8 3. THE COUNTY SEWERAGE SYSTEM SHALL ALSO BE CONSIDERED ADEQUATE
9 IF THERE IS COMPLIANCE WITH 1.E. OF THIS SUBSECTION AND THE
10 DEVELOPER AGREES TO CONSTRUCT THE IMPROVEMENTS TO THE SYSTEM
11 TO MEET THE REQUIREMENTS OF 1.A., B., C. & D. OF THIS
12 SECTION, OR THE DEVELOPER EXECUTES AN AGREEMENT WITH THE
13 COUNTY FOR IMPROVEMENTS TO THE SYSTEM TO MEET THE
14 REQUIREMENTS OF 1.A., B., C. AND D. OF THIS SUBSECTION.

15 4. IF THE COUNTY SEWERAGE SYSTEM IS FOUND TO BE INADEQUATE,
16 THEN PRELIMINARY SUBDIVISION PLAN PLANS, AND/OR SITE PLAN
17 PLANS, AND EXTENSIONS OF PREVIOUSLY APPROVED PRELIMINARY
18 SUBDIVISION PLANS SHALL NOT BE APPROVED.

19 5. CONDITIONAL REVIEW -- IF PARAGRAPHS 1.A., B., C., D. OR E.
20 OF THIS SUBSECTION PREVENTS APPROVAL OR THE EXTENSION OF A
21 PREVIOUS APPROVAL OF A PRELIMINARY SUBDIVISION PLAN OR SITE
22 PLAN, THE DEPARTMENT OF PLANNING AND ZONING MAY PROCEED WITH
23 CONDITIONAL REVIEW OF THE PLAN AND PLACE IT ON A WAITING
24 LIST ARRANGED BY DATE OF COMPLETION OF THE REVIEW AND, FOR
25 PREVIOUSLY APPROVED PLANS, BY DATE OF THE REQUEST FOR THE
26 EXTENSION. RECORD PLATS, GRADING PERMITS AND PUBLIC WORKS
27 AGREEMENTS FOR UTILITIES OR ROADS SHALL NOT BE EXECUTED BY
28 THE COUNTY UNTIL THE PLAN FOR THE PROJECT IS REMOVED FROM
29 THE WAITING LIST AND PRELIMINARY APPROVAL OR EXTENSION OF
30 THE PREVIOUS APPROVAL IS GRANTED. REMOVAL FROM THE WAITING
31 LIST SHALL OCCUR ONLY WHEN THE CONDITION THAT PREVENTED
32 APPROVAL UNDER PARAGRAPHS 1.A., B., C., D. OR E. OF THIS

1 SUBSECTION NO LONGER EXISTS.

2 6. GRANDFATHERING -- ~~THE PROVISIONS OF THIS SUBSECTION~~
3 ~~CONCERNING THE ADEQUACY OF THE SEWERAGE SYSTEM SHALL NOT~~
4 ~~APPLY TO THOSE DEVELOPMENTS, WHICH, AS OF THE EFFECTIVE DATE~~
5 ~~OF THIS ACT HAVE AN APPROVED PRELIMINARY PLAN OR SITE PLAN,~~
6 ~~EXCEPT THAT~~ UNLESS AN EXTENSION OF THE APPROVAL OF THE PLAN
7 IS GRANTED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS,
8 DEVELOPMENT CONDUCTED IN ACCORDANCE WITH A PRELIMINARY PLAN
9 OR SITE PLAN APPROVED BEFORE THE EFFECTIVE DATE OF COUNCIL
10 BILL 93-26 IS EXEMPT FROM THE PROVISIONS OF THIS SUBSECTION
11 CONCERNING THE ADEQUACY OF THE SEWERAGE SYSTEM. IF AN
12 EXTENSION OF THE APPROVAL OF THE PLAN IS GRANTED, THE
13 DEVELOPMENT IS SUBJECT TO THE PROVISIONS OF THIS SUBSECTION
14 CONCERNING THE ADEQUACY OF THE SEWERAGE SYSTEM. IF
15 DEVELOPMENT IS EXEMPT FROM THE PROVISIONS OF THIS SUBSECTION
16 CONCERNING THE ADEQUACY OF THE SEWERAGE SYSTEM, EXECUTION
17 OF PUBLIC WORKS UTILITY AGREEMENT AGREEMENTS FOR SUCH
18 DEVELOPMENT IS SUBJECT TO AVAILABILITY OF CAPACITY IN THE
19 SEWERAGE SYSTEM AT THE TIME OF APPLICATION FOR THE PUBLIC
20 WORKS UTILITY AGREEMENTS.

21 (B) WATER

22 1. THE COUNTY WATER SYSTEM OR COMMUNITY WATER SYSTEM SHALL BE
23 CONSIDERED ADEQUATE IF, TAKING INTO CONSIDERATION DEMANDS ON
24 THE SYSTEM GENERATED OR PROJECTED TO BE GENERATED BY
25 EXISTING CONNECTIONS, BUILDING UNDER CONSTRUCTION THAT WILL
26 BE CONNECTED TO THE SYSTEM, ALL COMMITTED ALLOCATIONS
27 EVIDENCED BY PAYMENT OF AREA CHARGES AND CONNECTION FEES,
28 ALL UNEXPIRED PUBLIC WORKS UTILITY AGREEMENTS, ALL
29 PRELIMINARY PLANS APPROVED AFTER THE EFFECTIVE DATE OF THIS
30 SUBSECTION, AND PROPERTIES USING INDIVIDUAL WATER SUPPLY
31 SYSTEM THAT ARE ANTICIPATED TO CONNECT TO THE SYSTEM ON
32 COMPLETION OF A CAPITAL PROJECT THEN UNDER CONSTRUCTION OR

FOR WHICH FUNDING HAS BEEN AUTHORIZED, RIGHT-OF-WAY
ACQUISITION COMPLETED AND CONSTRUCTION PLANS COMPLETED:

A. THE DISTRIBUTION SYSTEM IS CAPABLE OF PROVIDING THE
REQUIRED PRESSURES AND FLOWS DURING THE MAXIMUM DAY
DEMAND TO THE PROPOSED DEVELOPMENT AND THE MINIMUM
REQUIRED PRESSURES FOR FIRE FLOWS, AS ESTABLISHED IN THE
COUNTY'S WATER AND SEWER DESIGN GUIDELINES AND PLUMBING
CODE;

B. BOOSTER STATIONS AND/OR TRANSMISSION MAINS IN THE
SERVICE AREA HAVE SUFFICIENT AVAILABLE CAPACITY TO
PROVIDE MAXIMUM DAY DEMAND AND MINIMUM REQUIRED PRESSURE
FOR FIRE FLOW TO THE PROPOSED DEVELOPMENT;

C. STORAGE TANKS IN THE SERVICE AREA HAVE SUFFICIENT
AVAILABLE CAPACITY TO PROVIDE PEAK HOUR DEMAND IN
ADDITION TO FIRE FLOW TO THE PROPOSED DEVELOPMENT;

D. SOURCE AND TREATMENT FACILITIES IN THE SERVICE AREA HAVE
SUFFICIENT AVAILABLE CAPACITY TO PROVIDE MAXIMUM DAY
DEMAND TO THE PROPOSED DEVELOPMENT.

2. THE COUNTY WATER SYSTEM OR COMMUNITY WATER SYSTEM SHALL ALSO
BE CONSIDERED ADEQUATE IF THE COUNTY OR THE OPERATING ENTITY
HAS FUNDED PROJECTS FOR THE IMPROVEMENT OF THE FACILITIES
NECESSARY TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPHS
1.A., B., C. AND D. OF THIS SUBSECTION.

3. THE COUNTY WATER SYSTEM OR COMMUNITY WATER SYSTEM SHALL ALSO
BE CONSIDERED ADEQUATE IF THERE IS COMPLIANCE WITH 1.C. AND
D. OF THIS SUBSECTION AND THE DEVELOPER AGREES TO CONSTRUCT
THE IMPROVEMENTS TO THE SYSTEM TO MEET THE REQUIREMENTS OF
1.A., B., C. & D. OF THIS SECTION, OR THE DEVELOPER EXECUTES
AN AGREEMENT WITH THE COUNTY OR THE OPERATING ENTITY FOR
IMPROVEMENTS TO THE SYSTEM TO MEET THE REQUIREMENTS OF 1.A.
AND B. OF THIS SUBSECTION.

4. IF THE WATER SYSTEM SERVING THE PROPOSED DEVELOPMENT IS

1 FOUND TO BE INADEQUATE, THEN PRELIMINARY SUBDIVISION PLAN
2 ~~AND/OR SITE PLAN PLANS, SITE PLANS, AND EXTENSIONS OF~~
3 PREVIOUSLY APPROVED PRELIMINARY SUBDIVISION PLANS SHALL NOT
4 BE APPROVED.

5 5. CONDITIONAL REVIEW -- IF PARAGRAPHS 1.A., B., C. OR D. OF
6 THIS SUBSECTION PREVENTS APPROVAL OR THE EXTENSION OF A
7 PREVIOUS APPROVAL OF A PRELIMINARY PLAN OR SITE PLAN, THE
8 DEPARTMENT OF PLANNING AND ZONING MAY PROCEED WITH
9 CONDITIONAL REVIEW OF THE PLAN AND PLACE IT ON A WAITING
10 LIST ARRANGED BY DATE OF COMPLETION OF THE REVIEW AND, FOR
11 PREVIOUSLY APPROVED PLANS, BY DATE OF THE REQUEST FOR
12 EXTENSION. RECORD PLATS, GRADING PERMITS AND PUBLIC WORKS
13 AGREEMENTS FOR UTILITIES OR ROADS SHALL NOT BE EXECUTED BY
14 THE COUNTY UNTIL THE PLAN FOR THE PROJECT IS REMOVED FROM
15 THE WAITING LIST AND PRELIMINARY APPROVAL OR EXTENSION OF
16 THE PREVIOUS APPROVAL IS GRANTED. REMOVAL FROM THE WAITING
17 LIST SHALL OCCUR ONLY WHEN THE CONDITION THAT PREVENTED
18 APPROVAL UNDER PARAGRAPHS 1.A., B., C. OR D. OF THIS
19 SUBSECTION NO LONGER EXISTS.

20 6. GRANDFATHERING -- ~~THE PROVISIONS OF THIS SUBSECTION~~
21 ~~CONCERNING THE ADEQUACY OF THE WATER SYSTEM SHALL NOT APPLY~~
22 ~~TO THOSE DEVELOPMENTS, WHICH, AS OF EFFECTIVE DATE OF THIS~~
23 ~~ACT, HAVE AN APPROVED PRELIMINARY PLAN OR SITE PLAN; EXCEPT~~
24 THAT UNLESS AN EXTENSION OF THE APPROVAL OF THE PLAN IS
25 GRANTED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS,
26 DEVELOPMENT CONDUCTED IN ACCORDANCE WITH A PRELIMINARY PLAN
27 OR SITE PLAN APPROVED BEFORE THE EFFECTIVE DATE OF COUNCIL
28 BILL 93-26 IS EXEMPT FROM THE PROVISIONS OF THIS SUBSECTION
29 CONCERNING THE ADEQUACY OF THE WATER SYSTEM. IF AN
30 EXTENSION OF THE APPROVAL OF THE PLAN IS GRANTED, THE
31 DEVELOPMENT IS SUBJECT TO THE PROVISIONS OF THIS SUBSECTION
32 CONCERNING THE ADEQUACY OF THE WATER SYSTEM. IF DEVELOPMENT

1 IS EXEMPT FROM THE PROVISIONS OF THIS SUBSECTION CONCERNING
2 THE ADEQUACY OF THE WATER SYSTEM, EXECUTION OF PUBLIC WORKS
3 UTILITY AGREEMENTS FOR SUCH DEVELOPMENTS DEVELOPMENT IS
4 SUBJECT TO AVAILABILITY OF CAPACITY IN THE WATER SYSTEMS AT
5 THE TIME OF APPLICATION FOR THE PUBLIC WORKS UTILITY
6 AGREEMENT AGREEMENTS.

7 [D.]C. Appeal -- Notwithstanding anything to the contrary contained in this
8 chapter or in the Harford County Subdivision Rules and Regulations, as amended,
9 it is hereby determined that nothing contained in this section shall be subject
10 to a variance, special exception, or an appeal to the hearing examiner or Board
11 of Appeals. An aggrieved party may appeal to the Director of Administration in
12 accordance with established procedures.

13 D. THE PROVISIONS OF THIS ACT SECTION PERTAINING TO ADEQUATE WATER AND SEWER
14 FACILITIES SHALL APPLY TO THE HARFORD COUNTY SANITARY DISTRICT AND ALL
15 SANITARY SUBDISTRICTS.

16 E. COMPLIANCE WITH THE HARFORD COUNTY DEPARTMENT OF PUBLIC WORKS WATER AND
17 SEWER RULES AND REGULATIONS ADDRESSING ADEQUATE CAPACITY IS REQUIRED PRIOR
18 TO EXECUTION OF ANY PUBLIC WORKS AGREEMENT AND/OR ISSUANCE OF ANY BUILDING
19 PERMIT.

20 F. A DEVELOPER SHALL NOT AVOID THE INTENT OF THIS ORDINANCE SECTION BY
21 SUBMITTING PIECEMEAL APPLICATIONS FOR PRELIMINARY OR SITE PLAN APPROVALS.
22 THIS SECTION APPLIES WHEN A PARCEL OF LAND, AS DESCRIBED IN THE LAND
23 RECORDS OF HARFORD COUNTY ON THE EFFECTIVE DATE OF THIS LEGISLATION
24 COUNCIL BILL 93-23 IS DEVELOPED FOR NON-RESIDENTIAL USE OR A CUMULATIVE
25 TOTAL OF SIX RESIDENTIAL DWELLING UNITS/LOTS OR MORE IS CREATED FROM THE
26 PARCEL. HOWEVER, A DEVELOPER MAY SEEK APPROVAL OF ONLY A PORTION OF THE
27 SUBDIVISION OR DEVELOPMENT, PROVIDED THAT THE IMPACT OF ALL PREVIOUSLY-
28 APPROVED PRELIMINARY OR SITE PLANS FROM THAT DEVELOPMENT SHALL BE
29 CONSIDERED DURING THE ADEQUATE PUBLIC FACILITIES REVIEW OF EACH SUBSEQUENT
30 PORTION OF THE DEVELOPMENT.

31 Section 2. And Be It Further Enacted that this Act shall become effective sixty
32 (60) calendar days from the date it becomes law.

EFFECTIVE: August 10, 1993

HARFORD COUNTY BILL NO. 93-23 (as amended)(Brief Title) Adeg. Pub. Facs. - Water & Sewer Plan

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Doris Poulsen
Secretary of the Council

[Signature]
President of the Council

Date June 8, 1993Date June 8, 1993

BY THE COUNCIL

Read the third time.

Passed: LSD 93-18 (June 8, 1993)

Failed of Passage: _____

By Order

Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive for approval this 9th day of June, 1993 at 3:00 p. m.

Doris Poulsen, Secretary

BY THE EXECUTIVE

Eileen M. Rehmann
COUNTY EXECUTIVE

APPROVED: Date June 11, 1993

BY THE COUNCIL

This Bill (No. 93-23, as amended), having been approved by the Executive and returned to the Council, becomes law on June 11, 1993.

Doris Poulsen, Secretary
of

EFFECTIVE DATE: August 10, 1993